

**MONROE COUNTY MUNICIPAL WASTE  
MANAGEMENT AUTHORITY RULES AND REGULATIONS**

**RESOLUTION NUMBER 2009- \_\_\_\_\_**

**ARTICLE I – BACKGROUND**

- 1.01 The purpose of these Rules and Regulations shall be to ensure compliance of all regulated municipal waste generated within the geographical boundaries of Monroe County, are handled, transported and disposed of in accordance with all Federal, State, County, Rules and Regulations, Ordinances and laws to ensure the health and safety of the general public, protect the Municipalities, the Waste Haulers and the business and industrial Solid Waste generators within Monroe County.
- 1.02 The Monroe County Municipal Waste Management Authority Rules and Regulations shall at minimum specify requirements as are deemed necessary or convenient for the protection of Public Health and Safety and the efficient, effective, reliable and safe operation of the MCMWMA Facilities and the Solid Waste disposal System.
- 1.03 The purpose of the Authority Police Department shall be to ensure and enforce compliance regarding the storage, collection and transporting of regulated waste and Recyclable materials, in addition to the litter, dumping and graffiti, which contributes to the deterioration of property values, unsightliness and general disorder in a community. The purpose of these Rules and Regulations are to promote health, safety and general welfare of the County by enforcing all ordinances and laws regarding solid waste disposal. Any person violating the provisions of these Rules and Regulations and or the Monroe County Municipal Waste Management Ordinance, may be subject to the penalties described in Article VI section 6.01 of the Ordinance or of these Rules and Regulations.
- 1.04 The Monroe County Municipal Waste Management Authority is established in accordance with the Municipality Authorities of Act 1945, Act 53 pa C.S. Ch. 56.
- 1.05 These Rules and Regulations are established by Authority of Section 303 of the Municipal Waste Planning, Recycling and Waste Reduction Act, P.L. 556, No 101 (Act 101) enacted July 28, 1988, 53 P.S. 4000.303 and the Monroe County Municipal Waste Management Ordinance and agreement between the Monroe County Waste Management Authority and Monroe County.
- 1.06 Scope and Applicability - The Rules and Regulations apply to any and all persons including those engaging in collecting and transporting Regulated Waste in Monroe County unless specifically exempted from regulation by the above referenced statutes and regulations.

## ARTICLE II-DEFINITIONS

- 2.01 “Act 97”. The Solid Waste Management Act, Act of July 7, 1980, P.S. 380, No. 97, as now or thereafter amended.
- 2.02 “Act 101”. The Municipal Waste Planning Recycling and Waste Reduction Act, Act of July 28, 1988, P.L. 528, No. 101, as now or hereafter amended.
- 2.03 “Agent”. Shall mean, one who performs an act for his immediate family or for another person gratuitously (without any form of monetary or material compensation therefore).
- 2.04 “Authority” Shall mean, The Monroe County Municipal Waste Management Authority, or other municipal authority incorporated by the County and organized and existing under Municipalities Authorities Act of 1945, as amended.
- 2.05 “Authority Police Officers” Shall Mean, A Police Officer with the same rights as other peace officers in the Commonwealth with respect to the property of the Authority as permitted under the Municipality Authorities Act s5607 (d). Police Officers are appointed by the Authority, sworn in by a magisterial District Judge as long as having successfully completed the Pennsylvania State Lethal Weapons Training Act 235.
- 2.06 “Authority Rules and Regulations” Shall mean, The Rules and Regulations adopted by the County and the Authority and revised from time to time by the Authority.
- 2.07 “Bulky Items” Shall mean, Discarded “White Goods” (major appliances), “Brown Goods” televisions, mattresses, furniture and similar household items.
- 2.08 “Commercial Establishment” Shall mean, all non-residential establishments, activities, enterprises and facilities, including but not limited to those engaged in manufacturing, processing, transportation, retail or wholesale sales, professional services and business offices.
- 2.09 “Construction/Demolition Waste” Shall mean, solid waste resulting from the construction or demolition of buildings and other structures, including, but not limited to, wood, plaster, metals asphaltic substances, bricks, block and unsegregated concrete. The term also includes dredging waste. The term does not include the following if they are separate from other waste and are used as clean fill:
- A. Uncontaminated soil, rock, stone, gravel, unused brick, and block and concrete.
  - B. Waste from land clearing, grubbing and excavation, including trees, brush, stumps, and vegetative material.

- 2.10           “County” Shall mean, The County of Monroe, Commonwealth of Pennsylvania.
- 2.11           “County Contracted Facility” Shall mean, any solid waste storage, collection, recycling plant, or disposal facility or site (i) constructed, owned and operated by or on behalf of the Authority or (ii) which may be utilized by County residents, business or institutions pursuant to contract between the facility owners and the Authority.
- 2.12           “County Licensed Waste Hauler” Shall mean a Regulated Waste collector or Hauler, who possess a current license, issued by the Monroe County Municipal Waste Management Authority pursuant to these Rules and Regulations.
- 2.13           “Damaged and Deteriorated or Motor Vehicle Seat” Shall mean, any item of indoor or outdoor furniture or any portion of a motor vehicle designed to accommodate seating for a driver or passenger or both which represents a hazard or danger to the public by virtue of its state or condition of disrepair.
- 2.14           Department of DEP”. Shall mean, the Pennsylvania Department of Environment Protection.
- 2.15           “Dumping” Shall mean, includes, but is not limited to depositing litter, depositing durable goods (Refrigerators, washers, dryers, etc.) small appliances, furniture, carpets, tires and other such municipal waste, hazardous waste residual and construction or demolition debris on any public or private property including that of a Homeowner’s private property within the geographical boundaries of Monroe County.
- 2.16           “Facility” Shall mean, any municipal waste storage, collection, transfer, processing, recycling, or disposal facility or site.
- 2.17           Graffiti Vandalism” Shall include any and all unauthorized writings, drawings, printing, markings or other written or pictorial matter by any method or device including, but not limited to tags, throw-ups and pieces. Graffiti vandalism shall not be construed to apply to easily removable markings.
- 2.18           “Hazardous Waste” Shall mean, any waste material or a combination of solid, liquid, semisolid, or contained gaseous material that because of its quantity, Concentration, physical, chemical, or infectious characteristics may:
- A. Cause, or significantly contribute to an increase in mortality or an increase in serious irreversible or incapacitating illness; and
  - B. Pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, or disposed of or otherwise managed.

- 2.19        “Industrial Establishment” Shall mean, any establishment engaged in manufacturing or production activities, including, but not limited to, factories, foundries, mills, processing plants, refineries, mines and slaughterhouses.
- 2.20        “Inhabited” Shall mean any private residential or commercial property occupied by licensee, owner, tenant, person (s) or entity.
- 2.20        “Institutional Establishment” Shall mean, any establishment or facility engaged in service, including, but not limited to, hospitals, nursing homes, schools, and universities.
- 2.21        “Leaf Waste” Shall mean, Leaves, garden residues, shrubbery and tree trimmings, and similar material, but including grass clippings.
- 2.22        “License” Shall mean, a license or permit issued by the Authority authorizing (I) a person to collect, store or transport Regulated Waste or (II) a vehicle or container to be used for collection, storage, or transportation of regulated Waste.
- 2.23        “Litter” Shall mean, includes but is not limited to all waste material, garbage, municipal waste, damaged and deteriorated furniture or motor vehicle seats, trash, grass clippings, trimmings, dirt, or other substances of any nature, which, if thrown, scattered, or deposited as herein prohibited, tend to injuriously affect health, safety and welfare or tend to have a detrimental or unsightly impact on the environment.
- 2.24        “Minor” Shall mean any person under the age of eighteen (18) years.
- 2.25        “Municipal Authorities Act” Shall mean the Municipality Authorities Act 1945, Act 53 pa C.S. Ch. 56. As amended.
- 2.26        “Municipality” Shall mean, a Municipality within the County.
- 2.27        “Municipal Waste” Shall mean, any garbage, refuse, industrial lunchroom or office waste and other material, including solid liquid, semisolid or contained gaseous material resulting from operation of residential, municipal, commercial or institutional establishments and from community activities and sludge not meeting the definition or residual or hazardous waste in the Solid Waste Management Act from municipal, commercial or institutional water supply treatment plant, waste water treatment or air pollution control facility. The term does not include source-separated recyclable materials. The term includes materials which could be recycled at the source but are not.
- 2.28        “Municipal Waste Landfill” Shall mean, any facility that is designed operated and maintained for disposal of municipal waste and permitted by the Pennsylvania DEP, or other state regulatory agency, for such purposes.

- 2.29        “Person” Shall mean, any individual, firm, partnership, corporation, association, institution, cooperative enterprise, municipality, Municipal Authority, governmental entity or agency, or any other legal entity whatsoever which is recognized by the law as the subject of rights and duties. In connection with any provisions of these Rules and Regulations and Regulations prescribing a civil penalty, denial or grant of any license, or any combination of the foregoing, the term “person” shall include the officers and directors of any corporation or other legal entity having officers and directors.
- 2.30        “Pieces” Shall mean a form of graffiti vandalism represented by detailed, multi-colored murals ranging in size.
- 2.31        “Plan” The Monroe County Municipal Waste Management Plan, as now or hereafter amended.
- 2.32        “Private Property” Shall mean any land and the improvements thereon owned by any person and includes front, side, rear yards; vacant lots, buildings, structural improvement; walkways and alleyways; and parking areas, designed or used either wholly or in part for private residential, industrial or commercial purposes, whether inhabited or temporarily or continuously uninhabited or vacant, including any yards, grounds, walk, driveway, porch, steps, vestibule or mailbox belonging or appurtenant to such dwelling house, building or other structure.
- 2.33        “Processing” Shall mean, any technology used for the purpose of reducing the volume or bulk of municipal or residual waste or any technology used to convert part or all of such materials for off-site reuse. Processing facilities may include, but are not limited to, transfer stations, composting facilities and resource recovery facilities.
- 2.34        “Property of the Authority” Shall mean any and all regulated waste generated within the geographical boundaries of Monroe County, or regulated waste deposited on any public or private property, upon any road, street, highway, alley or railroad right-of-way, or upon the land of another or into the waters of this County and also including any reach receptacles throughout Monroe County.
- 2.35        “Public Right-of-Way” Shall mean the total width of any land used, or dedicated as a street, alley, driveway, sidewalk, or utility easement, including curb and gutter areas.
- 2.36        “Reach Receptacles”- Shall mean the recyclable receptacles which are places in designated areas throughout Monroe County by the Authority for the specific purpose of collecting recyclable materials
- 2.37        “Recyclables” Shall mean materials designated as recyclables by Monroe County Municipal Waste Management Authority, or municipalities, or required by the terms of the Monroe County Municipal Waste Management Authority Ordinance (or any amendment hereto) to be kept source separated from any regulated municipal solid waste and recycled.

- 2.38       “Recycling” Shall mean, the collection, separation, recovery and sale or reuse of metals, glass, paper, leaf waste, plastics and other materials which would otherwise be disposed or processed as Municipal waste or the mechanized separation and treatment of Municipal Waste (other than through combustion) and creation and recovery of reusable materials other than a fuel for the creation of energy.
- 2.39       “Regulated Waste” Shall mean, Municipal Waste, including Construction/Demolition Waste, Sewage Sludge, Septage, and Recycling generated within the County and regulated by the County and Authority pursuant to the Authority Rules and Regulations.
- 2.40       “Residual Waste” Shall mean, any discarded material or other waste, including solid, semisolid or contained gaseous materials resulting from construction, industrial, mining, agriculture operations excluding municipal water and sewer operations.
- 2.41       “Scavenging” Shall mean, the unauthorized and controlled removal of any material stored or placed at a point for subsequent collection or from any Authority facility.
- 2.42       “Septage” Shall mean the, liquid and semi-solid material pumped from septic tanks, holding tanks and portable toilets provided that the septage does not meet the definition of Residual Waste or Hazardous Waste.
- 2.43       “Sewage Sludge” Shall mean, the coarse screenings, grit dewatered or air-dried sludge, septic and holding tank contents and other residues from municipal and residential sewage collection and treatment systems provided that the sewage sludge does not meet the definition of Residual Waste or Hazardous Waste.
- 2.44       “Shopping or Grocery Cart” Shall mean, includes any small or light vehicle, typically found at your food stores, that is moved by hand and used to carry groceries or other such items.
- 2.45       “Source Separated Recyclable Materials” Shall mean, Materials generated or collected within the County that (I) are separated from Municipal Waste at the point of origin by the generator in accordance with the Plan and (II) are recycled. The term does not include material separated from the Source Separated Recyclable Materials.
- 2.46       “System” Shall mean, the overall solid waste management system and every aspect thereof, owned or operated or utilized by or on behalf of the Authority in implementation of the Plan, including without limitation, equipment, vehicles, offices, staff, transfer stations, recycling plants, landfills and the like.
- 2.47       “Transportation” Shall mean the off-site removal of any Regulated Waste at any time after generation.

- 2.48        “Tags” Shall mean a form of graffiti vandalism represented by stylized signature or writer’s chosen street name.
- 2.49        “Throw-ups” Shall mean a form of graffiti vandalism represented by large names or figures written in bubble style, often with an outline written in different color than the interior of the letters.
- 2.50        “Vacant” Shall mean any private residential or commercial property unoccupied by any said person (s) or entity.
- 2.51        “Waste Hauler” Shall mean any person, firm, partnership or corporation, who is engaged in the business of collecting and/or transporting Regulated Waste; or an enterprise that, as a result of its business, generates and or disposes of Regulated Waste; or a business, municipal or public agency which is engaged in the collection and/or transportation of Regulated Waste.
- 2.52        “Other Words and Phrases” shall mean, all other words and phrases shall have the same meanings as set forth as in ACT 101 and/or the Pennsylvania Waste Management Act, Act of July 7,1980, P.L.380, No.97, PA Stat. Title 35, Section 501 8.101 et seq. as amended.

## **SECTION A – REGULATED WASTE**

## **ARTICLE III – REGULATIONS**

### **SECTION A –REGULATED WASTE**

#### **REGULATED WASTE AND REPORTING REQUIREMENTS**

- 3.01 Any persons engaging in collecting or transporting a total of one (1) ton or more of Regulated Waste in any consecutive (7) day period shall apply for and obtain a County license as required by the procedures in Article IV- SECTION A REGULATED WASTE of these Rules and Regulations. No person or municipality may transport waste in a manner contrary to the terms and conditions of a permit, an order issued by the Department or requirements in the act, the environmental protection acts or the Rules and Regulations or Monroe County Ordinance.
- 3.02 All municipal and residual waste haulers using waste disposal and processing facilities in Pennsylvania must obtain authorization to use those facilities from the Department of Environmental Protection when operating vehicles over 17,001 lbs or trailers that exceed 10,001 lbs. Vehicles without a valid Waste Hauler Authorization sticker may not use Pennsylvania waste disposal and processing facilities. No person or municipality may transport municipal waste to a solid waste processing or disposal facility in this Commonwealth, unless the facility has a permit from the Department that expressly allows processing or disposal of the type of municipal waste being transported.
- 3.03 Any vehicle whose sole purpose and design is for the collection, transportation and disposal of waste, or to tractor containers used for that purpose, shall have placed on the doors and each side of the body of each vehicle or container, the name address and telephone number of the licensee and the type of waste being transported therein. The size of lettering for such vehicles shall be no less than six (6) inches in height and clearly legible.
- 3.04 All vehicles used to transport and dispose of waste but are not Necessarily designed solely for that specific purpose, must conspicuously Display on the vehicle, the name, address and telephone number of the licensee. Vehicles shall be so marked within ten (10) days after the commencement of their use in Monroe County.
- 3.05 In order to obtain and maintain a license, all vehicles used for the collection and transportation of Regulated Waste must be in compliance with the requirements of Act 97 and Act 101, and any Department regulations adopted from time to time pursuant to those laws including Title 25, Pa. Code, Chapter 285, subchapter B entitled Regulations for the Collection and Transportation of Municipal Waste, and any subsequently enacted federal, state, county and/or municipal laws, ordinances and/or regulations governing the storage, collection and/or transportation of municipal waste.

- 3.06 All vehicles utilized to collect and transport Regulated Waste shall be operated and maintained in a manner that will prevent the creation of a nuisance or hazard to public health, safety and welfare.
- 3.07 All vehicles and containers utilized to collect and transport Regulated Waste shall be suitably secured and enclosed to prevent leakage and roadside littering. The failure to maintain secure and enclosed vehicles and containers shall constitute a nuisance and subject the owner to civil sanctions as described in Article IV section 4.15 of these Rules and Regulations.
- 3.08 All persons holding a license shall empty bulk containers, also known as trash dumpsters and roll-offs, when such containers become full, or at such frequency as to avoid a public nuisance. No containers shall be held for storage at any site other than a work site for longer than 24 hours.
- 3.09. All persons holding a license to collect and transport Regulated Waste in Monroe County, unless specifically exempt from doing so by provisions of Act 101, the approved Monroe County Municipal Waste Management Plan, the Monroe County Municipal Waste Management Ordinance, or these regulations, shall transport the Regulated Waste to a County Contracted Disposal Facility. Municipal waste disposal facilities and transporters are required to comply with county plans that specify which facilities are approved to receive waste from that county.
- 3.10 All persons collecting and transporting Monroe County Regulated Waste shall pay all costs of disposal as set by the terms of the Monroe County Municipal Waste Management Authority or the County Contracted Facility. These fees shall include tipping fees, Act 101 fees and any Solid Waste System fees the Authority deems necessary in providing Solid Waste planning services in accordance with the Municipal Authorities Act section 5607 (d) (9).
- 3.11 All persons holding a license to collect and transport Monroe County Regulated Waste, who collect household or commercial trash on a regular schedule, must also provide service for recyclable collection. Recyclables cannot be combined with any Regulated Waste at time of pick-up.

**ARTICLE IV - LICENSING PROCEDURES**  
**SECTION A –REGULATED WASTE**

- 4.01 All persons engaging in collecting and transporting Regulated Waste are required to obtain a license by Article IV section 4.01 of the Monroe County Municipal Waste Management Ordinance and Article III section 3.01 of these Rules and Regulations. All persons shall obtain such a license from the Authority pursuant to the following regulations.
- 4.02 Licenses required by the Monroe County Municipal Waste Management Ordinances and these Regulations are valid for a period of one year. Applications for licenses or renewals of licenses are due no later than December 31<sup>st</sup> for the following calendar year, or thirty (30) days before beginning the activity of collecting and transporting Regulated Waste in Monroe County.
- 4.03 The Monroe County Municipal Waste Management Authority hereby established a late fee of \$ 100.00 per vehicle to be licensed, to be applied to all renewal applications that are not received complete, with required documents and payment, by January 1<sup>st</sup> of the year prior to the license year.
- 4.04 Licenses are obtained by submitting the Monroe County Pennsylvania Regulated Waste Hauling License Application along with a license fee to be established by the Authority Board of Directors on an annual basis, to the administrative office of the Authority (see attached fee schedule Article IV Section 4.16). Application forms are available by request from that office. There shall be no reduction or prorated fee for any license issued after the commencement of the calendar year or prior to its termination. The Authority shall have thirty (30) days to act on the license application.
- 4.05 All persons applying for, maintaining, or renewing a license to collect and transport Regulated Waste in Monroe County must obtain and maintain the following insurance coverage naming the Authority as a certificate holder:
- A. Automobile Liability Insurance as required by Pennsylvania state law and/or regulations;
  - B Commercial Liability Insurance with a minimum coverage of \$100,000.00;
  - C Workers Compensation Insurance as required by Pennsylvania State law and/or regulations.

- 4.06 If the hauler claims to have no employees and therefore not required to carry Worker's Compensation Insurance, an Affidavit as to Workmen's Compensation Insurance must be filed with the Authority. This form will be furnished upon request by the Authority at the request of the applicant. The Authority must also be provided with the name, address, and phone number of the agent who is handling each of the insurances for the hauler. All changes in insurance coverage and/or agent(s) shall be promptly reported to the Authority.
- 4.07 Effective January 1, 2007, every Regulated Waste Hauler in Monroe County, will be issued a complimentary operating sticker, when the vehicle operated exceeds a Gross Vehicle Weight that is 17,001 lbs and above or a trailer that exceeds 10,001lbs in GVW. The operator must possess a valid PA State Waste Hauler License obtained from the Department of Environmental Protection. Such sticker shall be issued to all operators of such vehicles as long as they complete an application that indicates they possess Vehicle and Commercial Liability and Workers Compensation Insurances that meet or exceeds the required Commonwealth and County minimums.
- 4.08 Effective January 1, 2007 every Regulated Waste Hauler in Monroe County, who transports more than 1 ton of regulated waste in a seven day period, (except for his own personal waste) will be issued, a license to transport waste for Fee(s) set forth by the Monroe County Municipal Waste Management Authority (see Fee Schedule Article IV- Section 4.16). Such sticker shall be issued to all operators of such vehicles so long as they complete an application that indicates they possess Vehicle and Commercial Liability and Workers Compensation Insurances that meet or exceed the required Commonwealth and County Minimums.
- 4.09 Effective January 1, 2007 there will be issued to every operator who uses a Roll-off container or Compactor to transport Monroe County Regulated Waste, a registration sticker for use on that container. The operator of the Roll-off or Compactor container will have two options for obtaining the container sticker. (See Fee Schedule Article IV- Section 4.16). The operator must possess a valid PA State Waste Hauler License. Such sticker shall be issued to all operators of such vehicles as long as they complete an application that indicates they possess Vehicle and Commercial Liability and Workers Compensation Insurances that meet or exceed the required Commonwealth and County minimums.
- 4.10 Upon granting the license, the Authority will issue a license sticker for each vehicle utilized for the collection and transportation of Regulated Waste listed on the application form. The license stickers must be affixed, and prominently displayed, only on the vehicles listed on the application form. The license stickers are non-transferable.

- 4.11 The license sticker shall be displayed on the left front door of the tractor body of each Regulated Waste collection vehicle in a position and in a condition which is readily visible and readable. Should a license sticker become lost, mutilated, or defaced it shall be the responsibility of the licensee to obtain a replacement sticker for a fee as described in Article IV section 4.16.
- 4.12 No new license, or license renewal, will be issued by the Authority to a person collecting and transporting Regulated Waste in violation of the Monroe County Municipal Waste Management Ordinance or these Rules and Regulations or without valid authorization by the Department of Environmental Protection.
- 4.13 If a Licensee, who has been issued a license doing business as, changes The name of said business, it is the responsibility of the Licensee to contact the Authority and submit a corrected application in order to amend the records of the Authority.
- 4.14 In the event the Licensee fails to notify the Authority of such name change, said Licensee shall be in violation of the Monroe County Municipal Waste Management Ordinance or these Rules and Regulations.
- 4.15 Any person violating any provisions of Articles I-VII of the Monroe County Municipal Waste Management Authority Ordinance or these Rules and Regulations, may upon conviction in a summary proceeding, be sentenced for each separate violation to pay a fine of not more than \$1,000 and costs, payable to the County of Monroe, to undergo imprisonment for not more than ten days or both. Each violation of any provision of these rules and regulation and or Monroe County Municipal Waste Management Authority Ordinance and each day that such violation shall exists, shall consist of a separate violation and offense.

4.16

**Monroe County Municipal Waste  
Management Authority  
Fee Schedule**

<u>Vehicle Weight Class</u>	<u>Requirements</u>	<u>MCMWMA Fee</u>	<u>License Type</u>
Over 17,001	DEP License	Courtesy	Annual/ Per Vehicle
Trailers over 10, 001	DEP License	Courtesy	Annual/ Per Trailer
Under 17,000 and Under 10,000 (Trailers)	DEP License not required	\$25.00	Annual/ Per Trailer
Late Fee	Renewal after Dec 31st	\$100.00	Per Vehicle
Replacement Fee		\$ 10.00	Per Vehicle
<b><u>Container Licenses Over 10 Yards ( Roll-Off and Compactors)</u></b>			
Option 1	Per Container	\$10.00	Annual
Option 2	Per Container	\$40.00	5 years from purchase date
Replacement Fee	Per Container	\$10.00	Annual
Replacement Fee	Per Container	\$10.00	5 years from purchase date
<b><u>Septage Sludge Haulers</u></b>			
Septic Sludge	DEP License	\$100.00	Annual/ Per Vehicle
Late Fee	Renewal after August 31st	\$100.00	Per Vehicle
Replacement Fee		\$ 10.00	Per Vehicle

## **ARTICLE V – REPORTING REQUIREMENTS**

### **SECTION A –REGULATED WASTE**

- 5.01 All licensees shall promptly report to the Authority any changes in the number, size, identity and/or condition of any vehicle, container and/or equipment covered under the license.
- 5.02 All licensed Regulated Waste Haulers shall maintain current, up to date records of waste collection and disposal for a minimum of 5 years. Such records shall be subject to inspection and made available to the Monroe County Municipal Waste Management Authority or its authorized agents upon request. From time to time the Authority may request such licensee to complete a periodic report, on a form provided by the Authority, upon the written request of the Authority. Such request shall be made thirty (30) days prior to the submission date.
- 5.03 The Authority shall notify each municipality of all persons licensed to collect and transport Regulated Waste in Monroe County. Municipalities shall notify the Authority of all persons collecting and transporting Regulated Waste in the municipality who are not on the list of licensees.
- 5.04 Any licensee, municipal official or citizen who observes a violation of these Rules and Regulations or the Monroe County Municipal Waste Management Authority Ordinance may notify the Authority, which will conduct an appropriate initial investigation and may seek informal resolution of any violation.
- 5.05 All persons holding a license to collect and transport Regulated Waste must report monthly to each municipality, quantities of materials collected as Recyclables in that municipality.
- 5.06 Any person engaging in collecting or transporting regulated waste and curbside recyclables must collect or transport the regulated waste separately from the recyclable materials. It shall be unlawful to co-mingle source separated recyclable materials with regulated waste at the time of collection. Recyclable materials shall be designated by the Monroe County Municipal Waste Management Authority. Any person violation these provisions will be subject to the penalties in Article IV section 4.15.

## **ARTICLE VI- UNLAWFUL CONDUCT RELATED TO ILLEGAL DUMPING**

### **ANTI-LITTER-DEPOSIT OF LITTER PROHIBITED**

- 6.01 No person shall cause any waste paper, sweepings, ashes, household waste, glass metal, refuse or rubbish, or any dangerous or detrimental substance to be deposited into or upon any road, street, highway, alley or railroad right-of-way, upon the land of another, private property including own said private property whether inhabited or vacant or into the waters of Monroe County.
- 6.02 No person shall interfere with, scatter or disturb the contents of any “Reach Receptacles”
- 6.03 No person either, owner, operator, or agent of a trash, garbage or debris collection vehicle, including all private and commercial vehicles, or any vehicles used to collect or transport trash, garbage or debris, shall knowingly cause to be deposited or deposit the vehicle’s load or any part thereof upon any road, street, highway, alley or railroad right-of-way, upon the land of another, private property including own said private property whether inhabited or vacant or into the waters of Monroe County
- 6.04 No person shall throw or deposit litter, upon any highway or upon any public or private property including own said private property, whether inhabited or vacant, or into the waters of this county, or from any vehicle, any waste paper, sweepings, ashes, household waste, glass metal, refuse or rubbish, or any dangerous or detrimental substance
- 6.05 No person shall throw, scatter, deposit or sweep litter into any “Reach Receptacles”. All “Reach Receptacles” shall be used for recyclables as that term is described in these rules and regulations and the Monroe County Municipal Waste Management Authority Ordinance.
- 6.06 No person shall deposit litter or store, durable goods (refrigerator, washers, dryers etc.) small appliances, furniture, carpets, tires and other such municipal waste, hazardous waste residual and construction or demolition debris on public or private property including own said private property whether inhabited or vacant.
- 6.07 It is the Sole Responsibility of all Property and Business Owners to ensure and maintain said Private Properties whether the property is inhabited or vacant so as not to injuriously affect health, safety and welfare or tend to have a detrimental or unsightly impact on the environment or property values. Property and Business Owners may be subject to the penalties as described in Article IV section 4.15 should any provisions set forth in theses Rules and Regulations be violated.

- 6.08 If a name appears in appears in correspondence or other written memorabilia more than two times, this shall create rebuttable presumption that the named person has violated Section 5.04 of the Monroe County Municipal Waste Management Authority Ordinance.
- 6.09 Any person may report violations of Articles I-VII of the Monroe County Municipal Waste Management Authority Ordinance or Articles I-X of these rules and regulations, by filing with the “Authority Police Department” or any appropriate “Authority Police Officer”, a complaint in the form required by the Authority.
- 6.10 Any person violating, causing or permitting and or assisting in the violation of any provisions of the Monroe County Municipal Waste Management Authority Ordinance or these Rules and Regulations, may upon conviction in a summary proceeding, be sentenced for each separate violation to pay a fine of not more than \$1,000 and costs, payable to the County of Monroe, to undergo imprisonment for not more than ten days or both. Each violation of any provision of these rules and regulation and or Monroe County Municipal Waste Management Authority Ordinance and each day that such violation shall exists, shall consist of a separate violation and offense. All such unlawful conduct shall also constitute a public nuisance.

**SECTION B – SEPTAGE**

## **ARTICLE VII- REGULATIONS**

### **SECTION B- SEPTAGE**

- 7.01 Any persons engaging in collecting or transporting Septage shall apply for and maintain a County License as required by the procedures in Article VIII SECTION B- SEPTAGE of these Rules and Regulations.
- 7.02 Any vehicle used to collect or transport Septage in Monroe County shall have placed on the doors of each side of the body of each vehicle or container the name of the licensee, the telephone number of the licensee's registered business office, the types of waste being transported therein, and their state registration number. The size of such lettering shall be no less than six (6) inches in height and clearly legible. Vehicles shall be so marked with ten (10) days after the commencement of their use in Monroe County.
- 7.03 In order to obtain and maintain a license, all vehicles used for the collection and transportation of Septage must be in compliance with the requirements of ACT 97 and ACT 101, and any Department regulations adopted from time to time pursuant to those laws including Title 25, Pa. Code, Chapter 285, subchapter B entitled Regulations for the Collection and Transportation of Municipal Waste, and any subsequently enacted federal, state, county and/or municipal laws, ordinances and/or regulations governing the storage, collection and/or transportation of municipal waste.
- 7.04 All vehicles utilized to collect and transport Septage shall be operated and maintained in a manner that will prevent the creation of a nuisance or hazard to public health, safety and welfare.
- 7.05 All vehicles and containers utilized to collect and transport shall be suitable, secured and enclosed to prevent leakage and roadside littering. The failure to maintain secure and enclosed vehicles and containers shall constitute a nuisance and subject the owner to civil sanctions as described in Article IV Section 4.15 of these Rules and Regulations.
- 7.06 All persons holding a license shall empty vehicle-holding tanks at such frequency as to avoid a public nuisance.

- 7.07 All Persons applying for, maintaining, or renewing a license to collect and transport Septage in Monroe County must obtain the following insurance coverage:
- A. Automobile Liability Insurance as required by Pennsylvania State Law and/or regulation.
  - B. Commercial Liability Insurance with a minimum coverage of \$ 100,000.00
  - C. Workers Compensation Insurance as required by Pennsylvania State Law and/or regulation.
- 7.08 A valid and current Certificate of Insurance will be accepted as evidence of the above required insurance coverage. If the hauler claims to have no employees and therefore not required to carry Worker's Compensation Insurance, an Affidavit as to Workmen's Compensation Insurance must be filed with the Authority. It will be furnished by the Authority at the request of the applicant. The Authority must also be provided with the name, address and phone number of the agent who is handling each of the insurances for the hauler. All changes in insurance coverage and/or agent(s) shall be promptly reported to the Authority.
- 7.09 All persons holding a license to collect and transport Septage in Monroe County, unless specifically exempted from doing so by provisions of ACT 101, shall transport the regulated Septage to a permitted processing or disposal facility.

## **ARTICLE VIII- LICENSING PROCEDURES**

### **SECTION B- SEPTAGE**

- 8.01 Each person engaged in collection of Septage is required to obtain a license by Section 4 of the Monroe County Municipal Waste Management Ordinance and Section 7.01 of these Rules and Regulations shall obtain such license from the Authority pursuant to the following regulations.
- 8.02 Licenses required by the Monroe County Municipal Waste Management Ordinance and these Rules and Regulations are valid for period of one year from September 1<sup>st</sup> to August 31<sup>st</sup>. Applications for licenses, or renewals of licenses, are due no later than August 1<sup>st</sup>, or thirty (30) days before beginning the activity of collecting and transporting Septage in Monroe County.
- 8.03 There is hereby established a late fee, annually assessed by the Authority Board of Directors, applied to all renewal applications that are not received complete, with required documents and payments, by August 1<sup>st</sup> of the year for which they are applying.
- 8.04 Licenses are obtained by submitting the Monroe County Septage Hauler License Application and a license fee to be established by the Authority Board of Directors on an annual basis, to the Administrative office of the Authority. Application forms are available by request from that office. There shall be no reduction or prorated fee for any license issued after September 1<sup>st</sup> or prior to its termination of August 31<sup>st</sup>. The Authority shall have thirty (30) days to act on license application.
- 8.05 The application for a license or renewal of the license must be accompanied by proof of the insurance coverage required by Section 7.07 of these Rules and Regulations in a form acceptable to the Authority.
- 8.06 Upon granting the license, the Authority will issue a license sticker for each vehicle utilized for the collection and transportation of Septage listed on the application form. The license sticker must be affixed and prominently displayed only on the vehicles listed on the application form. The license stickers are non-transferable.
- 8.07 The license sticker shall be displayed on the left front door of the cab of each Septage collection vehicle in a position and in a condition which is readily visible and legible. Should a license become lost, mutilated or defaced, it shall be the responsibility of the licensee to obtain a replacement sticker for \$10.00.
- 8.08 No new license, or renewal license, will be issued by the Authority, to a person collecting and transporting Septage in violation of the Monroe County Municipal Waste Management Ordinance or these Rules and Regulations.

## **ARTICLE IX- REPORTING REQUIREMENTS**

### **SECTION B- SEPTAGE**

- 9.01 Upon granting the license, the Authority will issue Septage/Sludge manifests and a map of Monroe County for each vehicle utilized for the collection and transportation of Septage listed on the application form.
- 9.02 All licensees shall promptly report to the Authority any changes in the number, size, identity and/or condition of any vehicle, container and/or equipment covered under the license.
- 9.03 Each licensee shall complete a Septage/Sludge Manifest at the time each service for each system or facility served.
- 9.04 Each sequentially numbered manifest shall thoroughly and legibly be completed and submitted to the Authority office on a weekly basis. Any errors resulting in the necessity to VOID a manifest sheet must be clearly indicated on the sheet and also returned to the Authority office.
- 9.05 All Septage Haulers shall maintain current up to date records of waste collection and disposal for a minimum of five (5) years. Such records shall be subject to inspection and made available to the County or its authorized agents upon request. From time to time, the Authority may request each licensee to complete a periodic report on a form provided by the Authority, upon the written request of the Authority. Such request shall be made thirty (30) days prior to the submission date.
- 9.06 The Authority shall notify each municipality of all persons licensed to collect and transport regulated Septage in Monroe County. Municipalities shall notify the Authority of all persons collecting and transporting regulated Septage in the municipality who are not on the list of licensees.
- 9.07 Any licensee, municipal official or citizen who observes a violation of these Rules and Regulations or the County Ordinance may notify the Authority which will conduct an appropriate initial investigation and may seek informal resolution of any violation.

## **ARTICLE X- ENFORCEMENT AND PENALTIES**

- 10.01 The Authority shall appoint a Police Officer(s) who shall administer the authority granted in Articles I-VII of the Monroe County Municipal Waste Management Ordinance to enforce the Ordinance and the Authority Rules and Regulations as permitted in the Municipality Authorities Act s5607 (d).
- 10.02 The Police Officer(s) shall be responsible for determining compliance with the County Ordinance and the Rules and Regulations and shall investigate and compile evidence of any violations.
- 10.03 When the Police Officer assesses the violation, they shall issue a Non-traffic citation or allow the violator time deemed necessary by the officer to become compliant. The Police officer shall issue a Non Traffic citation without notice by issuing an on site citation or by filing the citation with the Magisterial District Judge of the jurisdiction. The Monroe County Magisterial District Judge assesses the penalty in a non-traffic citation and or summons. Service shall be accomplished by certified mail, return receipt requested. The person charged shall have ten (10) days to request a hearing before the Magisterial District Judge or make arrangements to pay the fine. Failure to pay the fine imposed or failure to request a hearing within the ten (10) day period shall be deemed to constitute an admission of the violation charged. A guilty plea will be entered in Absentia and a warrant for the defendant's arrest shall be issued for failure to respond.
- 10.04 Any person violating, any provision of these rules and regulations, may upon conviction in a summary proceeding, be sentenced to pay a fine of not more than \$1,000 and costs, payable to the County of Monroe, to undergo imprisonment for not more than ten days or both. Each violation of any provision of these rules and regulations and or Monroe County Municipal Waste Management Authority Ordinance and each day that such violation shall exists, shall consist of a separate violation and offense. All such unlawful conduct shall also constitute a public nuisance. Such a penalty may be assessed whether or not the violation was willful or negligent.

## **ARTICLE XI-MISCELLANEOUS**

- 11.01        The provisions of these Rules and Regulations are severable. If any provision of these Rules and Regulations or its application to any person or circumstances is held invalid by a Court of competent jurisdiction, such invalidity shall not effect any other provision or application of these Rules and Regulations.
  
- 11.02        These Rules and Regulations may be revised from time to time adopted when by the Board of Directors at a public meeting. A copy of the revised Rules and Regulations will be forwarded to the Monroe County Commissioners.
  
- 11.03        The effective date of these revised Rules and Regulations is December 8<sup>th</sup>, 2009.